RECEIVED FEDERAL ELECTION COMMISSION

September 9, 2014

2014 SEP -9 PM 2: 55

OFFICE OF GENERAL COUNSEL

Office of General Counsel Federal Election Commission 999 E Street, N.W. Washington, D.C. 20463

MUR# 6860

Re: Solicitation of illegal campaign contributions by U.S. Senator Mark Udall (Colorado)

The following accounts on the solicitation of illegal campaign contributions by U.S. Senator Mark Udall are based on transcripts (attached as **Exhibit A**) taken from video recordings of a non-federal fundraiser for Duran for Colorado held in Denver, Colorado on August 23, 2014. The video recordings will be made immediately available to the Federal Elections Commission at the Commission's request.

Duran for Colorado is a "candidate committee" created under Colorado law "[t]o support the reelection of Crisanta Duran to the Colorado House of Representatives from House District 5."

At the fundraiser called "Campaign Kick Off & Birthday Celebration With Special Guest U.S. Senator Mark Udall", Senator Udall clearly, unambiguously and illegally solicits campaign contributions "to send her [state Rep. Duran] back to the state House and keep the state House in the [Democratic] majority."

The transcript of Senator Udall's illegal campaign contribution solicitation is unambiguous in the plain context in which he pressed attendees to contribute to state Rep. Duran's re-election campaign.

"So, she's a 30-something and multiply that by three, that means everybody should have at least written a \$100 check. Cause we need to send her back to the State House and keep the State House in the majority."

Senator Mark Udall solicited non-federal funds at a fundraiser where illegal corporate contributions were solicited and accepted by Duran for Colorado.

Under Colorado law, candidate committees cannot accept campaign contributions from corporate entities. Contributions are defined, among other things, as anything "of value." Two corporate entities provided contributions "of value" to Duran for Colorado during the "Campaign Kick Off & Birthday Celebration With U.S. Senator Mark Udall". (The state campaign finance complaint against Duran for Colorado alleging acceptance of illegal corporate contributions is attached as **Exhibit B**.)

The plain language of Senator Udall's illegal solicitation of non-federal campaign contributions provides reason to believe that a violation has occurred and that the FEC should open investigation. Coupled with the solicitation and acceptance of illegal corporate contributions by Duran for Colorado at this same fundraiser, I ask that the FEC open an investigation into the illegal solicitations of campaign contributions by U.S. Senator Mark Udall at the August 23, 2014 "Campaign Kick Off & Birthday Celebration With U.S. Senator Mark Udall".

Kelly Maher
Executive Director
Compass Colorado
P.O. Box 181581
Denver, CO 80218

303-522-4188

[In accord with Federal Election Commission guidance, legal citations for the campaign finance violations alleged have been omitted]

STATE OF COLORADO ) ss.
COUNTY OF DENVER )

,

NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20144001330 MY COMMISSION EXPIRES 01/10/2016

Subscribed and sworn to before me on this Zaday of September, 2014 by Kelly Maher.

Witness my hand and official seal.

My Commission Expires:

Notary Public

### IMG\_0930

#### 1:12 - Sen. Mark Udall

It's a special evening for a lot of reasons. Who wouldn't want to be introduced by the birthday girl! I think Crisanta's a 30-something, I think she's wise beyond her years. She heads the fourth branch of government, which is the joint budget committee. We're really, really proud of her, are we not?! So, she's a 30-something and multiply that by three, that means everybody should have at least written a \$100 check. Cause we need to send her back to the State House and keep the State House in the majority. I know her, I'm honored to know her. I feel young when I'm around her. We're all here to celebrate a wonderful young lady's leadership and intelligence and public service, and that's Crisanta Duran. There's another wonderful young leader who's going to be our next Secretary of State and that's Joe Neguse.

### 2:41 - Joe Neguse

First things first, what we need to do is make sure we reelect Sen. Mark Udall to the U.S. Senate. My name is Joe Neguse and I'm running for Secretary of State and with your help I intend to clean-up Scott Gessler's mess come November. But I am here, like Sen. Udall, to wish a very special Happy Birthday to my good friend, Crisanta Duran. And let me just say something...Sen. Udall will recognize this because he's been, like I have been, traveling the state campaigning. Last weekend we were on a 12-city tour. We started in LaJunta and we ended in Cañon City...went through Southern Colorado and the Western Slope. And my fiancé and I were eating lunch in Trinidad with a group of Democrats and we were talking about the budget and what we can do to help working families. One of them said, "you know what you need to do, you need to talk with that State Representative Crisanta Duran." They knew Crisanta Duran in Trinidad. She doesn't know I was gonna say that. And then we were in Durango. We had another meeting with the LaPlata County Democrats...active group. And I was talking to the about higher education, making higher education more affordable. These Democrats came up to me and said, "You know what you should do is thank Crisanta Duran for her work on the ASSET bill last year." People around the state know that when Crisanta Duran gets going on an issue, things get done because she has a sense of passion, conviction and integrity to everything she does. It is such a pleasure for me to be calling her a friend for these last 10 years and I'm so excited to wish her a Happy Birthday today. She tells me she has all the money she needs for her reelection, by the way. It happens to be in your pockets. So, if you're willing, write a small check...write a large check to Crisanta so we can make sure we return her to the State House and maintain the House majority. Happy Birthday, Crisanta.

## 7:12 - Betsy Markey

Good evening everyone and Happy Birthday to Crisanta. I know we've got a lot of great things to celebrate right now, but I just wanna take one minute and say I'm running for Colorado State Treasurer this year. I've got a great team with me. Don Quick and Joe Neguse...we're called the "triple threat." People have to remember to vote down ballot this year. I'm really excited about the role of State Treasurer

because you get to work with both the governor and the legislature, particularly the Joint Budget Committee, on issues to again move Colorado forward. Unfortunately, we have a State Treasurer who just doesn't show up to work. And I think you can hear is just not at the job. He has another job, he has another salary. Average is about 10 days a month in the office. For one, I'm gonna be a full-time treasurer. I'm gonna work to move Colorado forward. I'm gonna work with our State Legislature to protect the retirement system for teachers and state workers...half a million people in Colorado. And we're gonna do it together.

### 8:29 - Don Quick

Hello, I'm Don Quick and with your help I'm gonna be the next Attorney General of the State of Colorado. So let me ask you this question...Do you want an Attorney General this thinks Planned Parenthood is a bad use of state money? (No.) Do you want an Attorney General that thinks same sex couples are second class citizens and don't have the rights as the rest of us? (No.) Do you want an Attorney General that believes that corporations should decide what kind of birth control a woman should use rather than her and her family? (No.) On November 4th, I need you to say yes. Say yes to Mark Udall. Say yes to governor. Say yes to Joe and Betsy and myself. And with that you'll have a different kind of Attorney General representing you come January 9. (Lists names of "sponsors" as listed on invite.)

On Saturday, August 23, 2014, Duran for Colorado accepted illegal corporate contributions at a fundraiser called "Campaign Kick Off & Birthday Celebration with Special Guest U.S. Senator Mark Udall". In accepting the corporate contributions, Duran for Colorado violated Colo. Const. Article XXVIII §3(4)(a) which prohibits candidate committees from accepting contributions from corporations.

### **SUMMARY OF RELEVANT FACTS**

Duran for Colorado is a candidate committee formed under Colorado law. The purpose of Duran for Colorado is "To support the re-election of Crisanta Duran to the Colorado House of Representatives from House District 5." Duran for Colorado is prohibited from soliciting or receiving contributions from corporations.

U.S. Senator Mark Udall did attend and speak at the Duran for Colorado fundraiser including soliciting funds on behalf of state Rep. Crisanta Duran by saying "...you all should have written a \$100.00 check, is that right? Cause we need to send her back to the state House..."

University of Colorado Regent and Democratic nominee for Secretary of State, Joe Neguse spoke and made an equally impassioned plea to solicit contributions for state Rep. Cristanta Duran by saying, "She tells me she has all the money she needs for her re-election, by the way, it happens to be in your pockets. So, if you would write a small check, write a large check to Crisanta so we can make sure that we return her to the state House..."

The invitation to the August 23<sup>rd</sup> fundraiser distributed by state Rep. Crisanta Duran was obtained through a link on a Twitter account named "@crisantaduran" with the description of the account being "State Representative, Chair of the Joint Budget Committee, former Flamenco & Mexican Folklorico dancer. RT are not endorsements. // Denver // duranforcolorado.com" (A printed screenshot of the Twitter post is attached as **Exhibit A**.)

The invitation for the fundraiser "Campaign Kick Off & Birthday Celebration with Special Guest U.S. Senator Mark Udall" (invitation) lists the event location as "Taxi II" and offers, among other things, "Live music, food, drinks and a beautiful patio overlooking downtown to watch the sunset!" (A printed copy of the invitation is attached as **Exhibit B**. The ActBlue Duran for Colorado contribution page that was linked from **Exhibit B** is provided in printed copy as **Exhibit C**.)

Invitees to the Duran for Colorado fundraiser were encouraged to "Please Join Hosts:" with various lobbyists and others listed for their "Gold Sponsorship" and "Silver Sponsorship" along with other notable Democratic political candidates and Democratic elected officials as "Special Confirmed Guests" listed after U.S. Senator Mark Udall.

The invitation for the Duran for Colorado fundraiser lists a "Suggested Donation" and does state that "Donations Are Welcome, But Not Required."

The invitation for the Duran for Colorado fundraiser states that "All food & drinks provided by small businesses located in House District 5!", "Food provided by Los Carboncitos: Come and enjoy chicken, pork & beef street tacos with 3 types of salsa, beans & rice!", "Wine provided by the Bonacquisti Wine Company, non-alcoholic drinks will also be available".

A logo of the Bonacquisti Wine Company is included on the invitation.

The food and drink referenced on the invitation was offered free of charge to those attending the Duran for Colorado fundraiser.

Bonacquisti Wine Company is a Colorado corporation formed on April 24, 2006 with a principal office street address on file as 4640 Pecos St., Unit I, Denver, Colorado 80211. (printed verification from the secretary of state attached as **Exhibit D**.)

Los Carboncitos Inc. is a Colorado corporation formed on September 16, 2004 with a principal office street address on file as 720 Sheridan Blvd., Denver, Colorado 80214. (printed verification from the secretary of state attached as **Exhibit E**.)

#### APPLICABLE LEGAL STANDARDS

Colo. Const. Article XXVIII §3(4)(a) prohibits a corporation from making a contribution to a candidate committee:

"It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or political party...except that a corporation or labor organization may establish a political committee, or small donor committee, which may accept contributions or dues from employees, officeholders, shareholders, or members."

Colo. Const. XXVIII §2(5)(a)(IV) defines "contribution" as:

"Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall or election."

Colo. Const. XXVIII §2(3) defines a "candidate committee" as:

"[a] person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to the candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the secretary of state."

C.R.S. 1-45-103(3) defines "candidate committee" as defined in Colo. Const. XXVIII §2(3).

C.R.S. 1-45-103(6)(a) defines "contribution" as defined in Colo. Const. XXVIII §2(5)(a)(IV).

### C.R.S. 1-45-103(7) defines "corporation" as:

"[a] domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", articles 121 to 137 of title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state."

Article XXVIII §10(1) states that:

"Any person who violates any provision of this article relating to contribution or voluntary spending limits shall be subject to a civil penalty of at least double and up to five times the amount contributed, received or spent in violation of the applicable provision of this article."

### **STATE LAW VIOLATIONS**

Duran for Colorado violated Colo. Const. Article XXVIII §3(4)(a) by accepting food and drink items "of value" from Bonacquisti Wine Company and Los Carboncitos Inc., Colorado corporations, that were served free of charge to fundraiser attendees at the fundraiser called "Campaign Kick Off & Birthday Celebration with Special Guest U.S. Senator Mark Udall".

The campaign finance report filed by Duran for Colorado on September 2, 2014 (expenditure report attached as **Exhibit F**.) reports expenditures related to the August 23, 2014 fundraiser, but does not list payments to Bonacquisti Wine Company or Los Carboncitos Inc. for the food and drink provided by them at the Duran for Colorado fundraiser on August 23, 2014.

Duran for Colorado is civilly liable for at least two and up to five times the fair market value of the food and drink illegally provided at the fundraiser called "Campaign Kick Off & Birthday Celebration with Special Guest U.S. Senator Mark Udall".

With my signature below, I submit this Complaint to be referred to the Office of Administrative Courts for a hearing. I request an expedited hearing based on the fact that election ballots for the 2014 general election are scheduled to be mailed to voters on October 14, 2014.

Kelly Maher

Executive Director Compass Colorado

Kelly Maker

P.O. Box 181581

Denver, CO 80218



If you're not able to attend but would still like to make a contribution, click here.

# Campaign Kick Off & Birthday Celebration

# with Special Guest U.S. Senator Mark Udall



Saturday, August 23rd from 7pm - 9pm

Taxi II

3461 Ringsby Court, Denver

Live music, food, drinks & a beautiful patio overlooking downtown to watch the sunsel! Live music includes Old School, R&B, Rock, Latin, Jazz... Something for Everyone!

#### Please Join Hosts:

Gold Sponsorship \$400

Jerry Johnson, RD Sewald & Josh Hanfling, Lucky & Aubrey Ardema, Zee Ferrufino, Mary Alice Mandarich, Mike Feeley, Mike Beasley, Gilbert Romero, Nolbert Chavez, Andrew Newcomb, Kristen Thompson, Edle Busam, Will Coyne, Mannie Rodriguez, Melissa Kuipers, Rev. Dr. Reo Leslie

Silver Sponsorship \$250

Early Childhood Education Association of Colorado, Linda Campbell, Melanie Layton.

Jennifer Miles, Steve Balcerovich, Cindy Sovine-Miller

### Special Confirmed Guests:

U.S. Senator Mark Udall, Secretary of State Candidate Joe Neguse, Colorado Treasurer Candidate Betsy Markey, Majority Leader Dickey Lee Hullinghorst, Assistant Majority Leader Dan Pabon, Rep. Rhonda Fields, Rep. Tracy Kraft-Tharp, Rep. Joe Salazar, Rep. Brittany Pettersen, Rep. Candidate Faith Winter, Rep. Candidate Janet Doyle, Rep. Steve Lebsock, Rep. Joann Ginal, Rep. Paul Rosenthal, Rep. Angela Williams, Rep. Mike Foote, CU Regent Candidate Naquetta Ricks, Denver City Councilman Chris Nevitt, Denver City Councilman Albus Brooks, Denver City Councilwoman Candidate Halisi Vinson

Suggested Donation: \$50

Donations Are Welcome, But Not Required

Kids Are Welcome To Attend!

Business Casual and Cocktail Hour Dress

RSVP: DuranForColorado@gmail.com

# All food & drinks provided by small businesses located in House District 5!

**B**②NACQUISTI

Food provided by Los Carboncitos: Come and enjoy chicken, pork & beef street tacos with 3 types of salsa, beans & rice!

Wine provided by the Bonaquisti Wine Company, non-alcoholic

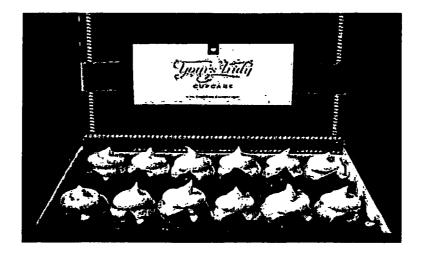
drinks will also be available.

Live music provided by Sol Kidz: A little bit of Reggae, Latin and Funk mixed with a whole lot of Rock, Sol Kidz lends their voice to the music scene with songs such as "For The People" and "New Americana". New material arrives daily and Sol Kidz is looking forward to a hot summer of new music.





Cupcakes by Yours Truly Cupcake: Denver's only full-service dessert catering company. They don't just sell cupcakes, they create unique sensory experiences through custom dessert, displays and impeccable customer services.



If you're not able to attend but would still like to make a contribution, click here.



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Crisanta Duran etensantaqueae 54 Thks 2 everyone who shared my Campaign Kick Off & B-Day Celebration w/ me! Facebook pics here: facebook.com/crisanta.duran... #coleg #copolitics



Crisanta Duran incressed dec. 38 23/11 View from tonight's birthday celebration and campaign kick off! Stop by and see the sunset while... instagram.com/p/sDtxZJOBcy/



Crisanta Duran de La table Tacos, cupcakes & live music tomorrow night? madmimi.com/p/ be6405?fe=1&... Everyone is invited! #coleg #copolitics

Charles English to the Control



Mark Udall and hatter and the









# Crisanta Duran for Colorado

1 Amount	2 Name	3 Payment	4 Tip
Your Contribution			
C \$25	C \$100	C \$250	
<b>⊂ \$</b> į ¦			
Make it monthly			
€ No			
	months		
C Yes, each month for 1	vear		

# **Continue**

### **Contribution Rules**

- 1. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.
- 2. I am making this contribution with my own personal credit card and not with a corporate or business credit card or a card issued to another person.
- 3. I am at least eighteen years old.
- 4. I am a United States citizen.

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### Summary

Details		-		
Name	Bonacquisti Wine Company			
Statue	Good Standing	Formation date	04/24/2006	
ID number	20061171306	Form	Corporation	
		Jurisdiction	Colorado	
Periodic report month	Арлі	Term of duration	Perpetual	
Principal office street address	4640 Pecos St, Unit I; Denver, CO 80211; United States			
Principal office mailing address	n∕a			

Registered Agent				
Name	Paul Bonacquistl			
Street address	4640 Pecos St, Unit I, Denver, CO 80211, United States			
Malling address	n/a			

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### **Summary**

Details				
Name	LOS CARBONCITOS INC.			
Status	Good Standing	Formation date	09/16/2004	
ID number	20041324353	Form	Corporation	
Periodic report month	March	Jurisdiction	Colorado	
		Term of duration	Perpetual	
Principal office street address	720 SHERIDAN BLVD, DENVER, CO 80214, United States			
Principal office mailing address	n/a			

Registered Agent				
Name	Ignacio Leon			
Street address	720 Sheridan Blvd., Denver, CO 80214, United States			
Mailing address	n/a			

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Cendidate Committee
2014 STATE CANDIDATE 2 YEAR CYCLE (12/7/2012 - 12/4/2014)
SEPTEMBER 2, 2014 - REPORT OF CONTRIBUTIONS AND EXPENDITURES
07/27/2014 - 08/27/2014 Reports
Quick Stats Learn to Use TRACER Committee Registration Candidate Affidavit C9/02/2014 Electronic Reporting Period Beginning Funds on Hand: \$4,304,99 Contributions Itemizad: \$11,120.00 Non-Iteritized: \$0.00 \$11,120,00 (\$0.00) \$0.00 Returned Contributions: Expenditures Itemized: \$4,326.17 Non-Itemized: \$20.85 \$4.347 12 Returned Expenditures: Non-Monetary Expendit (\$0.00) \$0,00 Loans Loans Received: Loan Repayments Made: \$0.00 \$100,00 Miscellaneous \$0,00

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Reporting Period Ending Funds on Hand: NOTE: Non-Monetery items are not included in Funds on Hand total

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1709 Broadway, Denver CO \$0290 | 303-894-2200 x6393 | cpfheip@scs.state.co.us

# **Expenditures Included on Report**

					<b>Employer/Occupation</b>			Explanation
8/27/2014	Monetary (Non- Itemized)	Miscellaneous				\$20.95	No	FEES AND EXPENSES UNDER \$20
8/24/2014	Monetary (Itemized)	Bank Fees	ACTBLUE	14 ARROW STREET, SUITE 11 CAMBRIDGE, MA 2138		\$106.91	No	DONATION PROCESSING FEE
8/23/2014	Monetary (Itemized)	Fundraising Expenses	FELICIA PETTIS	2225 W 36TH AVE DENVER, CO 80211		\$700.00	No	BIRTHDAY PARTY MUSICAL ENTERTAINMEN
8/22/2014	Monetary (Itemized)	Fundraising Expenses	YOURS TRULY CUPCAKES	3047 LARIMER ST DENVER, CO 80205		\$183.60	No	BIRTHDAY PARTY FOOD
8/17/2014	Monetary (Itemized)	Bank Fees	ACTBLUE	14 ARROW STREET, SUITE 11 CAMBRIDGE, MA 2138		\$4.94	No	DONATION PROCESSING FEE
8/16/2014	Monetary (Itemized)	Fundraising Expenses	ROBODIAL.ORG	PO BOX 1393 MEDIA, PA 19063		\$115.42	No	BIRTHDAY PARTY INVITES
8/15/2014	Monetary (Itemized)	Travel & Lodging	FRONTIER AIRLINES	7001 TOWER RD DENVER, CO 80249		\$25.00	No	CSG CONFERENCE FOR LEGISLATORS BAGGAGE FEE
8/15/2014	Monetary (Itemized)	Food, Beverages and Meals	URBAN SUSHI	509 W 3RD AVE ANCHORAGE; AK 99501		\$30.00	No	CSG CONFERENCE FOR LEGISLATORS - MEAL
B/13/2014	Monetary (Itemized)	Miscellaneous	MADMIMI	575 3RD ST #1F BROOKLYN, NY 11215		\$59.00	No	EMAIL SERVICES
8/10/2014	Monetary (Itemized)	Bank Fees	ACTBLUE	14 ARROW STREET, SUITE 11 CAMBRIDGE, MA 2138		\$3,95	No	DONATION PROCESSING FEE
B/4/2014	Monetary (Itemized)	Advertising	C & D PRINTING	5351 TENNYSON ST #1C DENVER, CO 80212		\$3,097.35	Yes	CAMPAIGN MAILER